UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,825	06/01/2004	Chien-Shan Huang	12706-US-PA	3824

31561 7590 01/29/2007		EXAMINER
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE		CONNOLLY, MARK A
7 FLOOR-1, NO. 100		
ROOSEVELT ROAD, SECTION 2	ART UNIT	PAPER NUMBER
TAIPEI, 100		
TAIWAN	2115	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 November 2006_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-19_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-19_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☒ All   b) ☐ Some *   c) ☐ None of:
         1. ☒ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 have been presented for examination.

2.   The rejections are respectfully maintained and reproduced infra for appliant's

convenience.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA[1] in

view of Stu[2].

5.   Referring to claim 1, AAPA teaches the remote booting method substantially including:

a.   executing a BIOS and determining whether to execute a remote boot procedure

[¶0008].

b.   downloading and executing a loader program when the remote boot procedure is

executed [¶0010].

c.   allocating a memory block on the computer and installing a file system in the

memory block [¶0011].

d.   downloading a file to the file system [¶0011].

Although the AAPA teaches the limitations above, it is not explicitly taught that the

remote booting method downloads a configuration file, wherein the configuration file comprises

a size of an allocated memory and a file list and wherein a memory block on the computer is allocated according to the size of the allocated memory.

Stu teaches a batch file (herein interpreted as a configuration file) which comprises a size of an allocated memory and a file list wherein memory is allocated and a file system is installed according to the configuration file [pgs. 14 and 41-42]. It would have been obvious to one of ordinary skill in the art to modify the AAPA to include the teachings of Stu because it would provide a means to boot to a plurality of different operating systems including Windows, DOS, Linux, etc... and would provide a means to appropriately configure the computer in accordance with the particular operating systems.

6.   Referring to claim 2, the AAPA teaches installing a virtual disk drive according to the file system and booting the computer via the virtual disk drive [¶0010].

7.   Referring to claim 3, the AAPA teaches the file system comprising a boot sector, file allocation table, a directory and the file [¶0011].

8.   Referring to claim 4, the AAPA teaches determining whether to execute a remote boot procedure depends on a setting of the BIOS [¶0007].

9.   Referring to claims 5-6 and 10, these are rejected on the same basis as set forth hereinabove. The AAPA and Stu teach the method and therefore teach the system performing the method.

10.   Referring to claim 7, the AAPA teaches a network boot device comprising a Boot ROM on a network card [¶0007].

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11.   Referring to claims 8 and 9, the AAPA teaches the boot device comprises a PXE agent and a stand alone system [¶0010].

12.   Referring to claims 11-19, these are rejected on the same basis as set forth hereinabove. The AAPA and Stu teach the method and therefore teach the devices performing the method. Furthermore, the AAPA teaches remote booting from a server, which may comprise blade and rack mountable servers [¶0006-0007]. In addition, the examiner is taking official notice that double-CPU servers are well known in the art and it would have been obvious to include the ability to boot from a double-CPU server, in addition to the rack mountable and blade servers, in order make the system more robust by including the ability to boot from additional types of servers.

Response to Arguments

13.   Applicant's arguments filed November 6, 2006 have been fully considered but they are not persuasive.

14.   In the REMARKS, applicant argues that 1) "the allocated memory in claim 1 is patently distinguishable from the hard disk partition in STU" 2) "STU does not teach allocating a memory block according to the size of the allocated memory" and 3) the "Batch file in STU has not a single command for memory allocation."

15.   In response to argument 1 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a memory allocation which explicitly does NOT include a hard disk partition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

16.   In response to argument 2, the claims recite a configuration file comprising a size of an allocated memory and allocating a memory block according to the size of the allocated memory. The **SetPartitions** command taught in STU does just that. In particular, hard disk space is allocated according to a size specified by the **SetPartitions** command. As can be seen on the top of page 42 in STU, the **SetPartitions** command allocates a 100 MB size partition and a 400 MB size partition on the hard disk used to install a BIGDOS file system on each partition. The format *BIGDOS:100* used in the **SetPartitions** is clearly shown in the **GetPartitions** command on page 41 wherein it is shown that *BIGDOS:100* refers to a *Type:Size* wherein *type* refers to a file system and *size* "is the size of the partition in megabytes."

17.   In response to argument 3, clearly STU teacehs a command for allocating memory in the batch file. In particular, STU blatantly presents an example of a batch file named linux.bpb shown below:

```
hidelog

setpartitions "linux-ext2:992 linux-swap:32"

fullunzip "linuximz" 1

clean 2

linuxboot "linux.krn" "root=/dev/hda1 BOOT_IMAGE=linux"
```

It is clear that the batch file includes the command SetPartitions wherein it allocates a first partition with a size of 992 MB and a second partition with a size of 32 MB.

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The

examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the

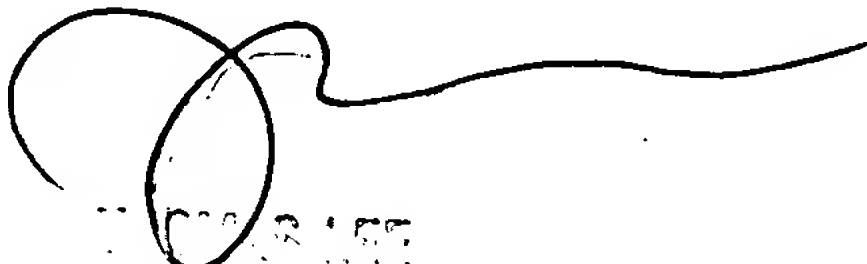organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly
Examiner
Art Unit 2115

mc
January 11, 2007